

**MINUTES**  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD MEETING**

168 North 1950 West – Room 101

Salt Lake City, Utah 84116

**June 13, 2003**

10:00 a.m.

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Robert G. Adams  
David Echols  
Jay Olsen  
KC Shaw  
Neil Kochenour

Ray Child  
Mayor Doug Thompson  
J. Ann Wechsler  
Bill Williams  
Dianne Nielson

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Don Ostler, Faye Bell, Judy Etherington, Kiran Bhayani, Tim Beavers, Mike Hanson, Mike Herkimer, Beth Wondimu, Ed Hickey, Carl Adams, Mike Allred, Peter Gessel, Tom Rushing, Karin Tatum, Jen Robinson, Barbara Rizzuto, Gayle Smith, Sid Curnow, Ed Macauley, Kent Montague

**OTHERS PRESENT**

<b><u>Name</u></b>	<b><u>Organization Representing</u></b>
Eric Jacobsen	Circle Four
Dave Allison	UDEQ – Public Information
Jim Webb	Circle Four
Chuck Eddy	Citizens Advocate
Renee Eddy	Citizens Advocate
Ivan D. Anderson	NDCSD
Kevin Cowan	North Davis
K.C. Shaw	Past Board Chairman
Char Pehrson	Public
Fred Pehrson	Public – Retired DWQ employee
Rex Ausburn	Boyle Engineering
Fred Nelson	AG's Office
Tim Jones	Jones & DeMille Engineering
Richard Jex	WCHD
Phil Wright	WCHD
Paul Wilson	Manager Special Service District
Preston Kirk	George K. Brum Co./No Davis Sewer District
Rick Frederickson	Moroni City
George Dyches	Moroni Feed
Dave Bailey	Moroni Feed
Judy Thomas	Town of Stockton
Barry Thomas	Town of Stockton, Mayor
Dan Grogan	Town of Stockton
Justin Logan	Moroni City

Vice-Chairman Williams called the Board meeting to order at 10:10 AM. He welcomed those in attendance and invited the members of the audience to introduce themselves.

**Presentation of Appreciation Awards:** Mr. Williams presented a gift of appreciation to KC Shaw, the former Water Quality Board Chairman and Fred Pehrson, who recently retired from the Division of Water Quality for the years of service they have each given to the State of Utah.

#### **APPROVAL OF MINUTES OF THE May 16, 2003 MEETING**

**Action Taken:** It was moved by Mr. Sims, seconded by Dr. Kochenour and unanimously carried to approve the minutes of the May 16, 2003 meeting as written. Ray Child abstained since he wasn't at the May Board meeting.

**Selection of Board Chairperson, Vice-Chairperson:** Mr. William Williams was elected to be the new Water Quality Board Chairman and Mr. Ray Child was elected to be the new Vice Chairman of the Water Quality Board.

#### **Circle Four Farms – Update on Best Available Technology:**

Erik Jacobsen, of Circle Four Farms gave a presentation to the Board of the latest technology of managing waste from the hogs at Circle Four Farms. This technology includes thickeners, covered anaerobic digesters, gas and odor collection and a complete methanol production facility. Mr. Jacobsen suggested that the Board make a trip to Circle Four later in the year to see how the project is working. Rob Adams said he would help to arrange that.

#### **LOAN PROGRAM**

**Financial Assistance Status Report** – Mr. Curnow updated the Board on the “Summary of Assistance Program Funds” as outlined under Tab 2.1.

**Stockton Town Loan (ACTION ITEM)** – Mr. Macauley introduced Barry Thomas, Mayor of Stockton, Judy Thomas and Dan Grogan from the Town of Stockton. Stockton Town is requesting financial assistance in the amount of a \$950,000 grant and a \$1,870,000 zero percent interest loan repayable over 30 years for the construction of a wastewater collection and treatment system. Stockton is also requesting a hardship grant advance of \$210,000 for project design and purchase of easements. The staff recommended that the Water Quality Board authorize financial assistance as stated above with the special conditions listed on page 2.7 in the Board packet. Concerns were expressed about this possibly subsidizing future growth in Stockton. Ms. Nielson expressed confidence that the project being proposed is needed to meet the immediate needs in Stockton

**Motion:** Dianne Nielson moved that the Board approve the staff recommendation, including the special conditions. The motion was seconded by Mayor Thompson and was approved by the Board. Bill Williams abstained from voting, since the company he works for, Kennecott, owns land in Stockton.

**Approval of North Davis SID Loan: (ACTION ITEM)** – Mr. Macauley introduced Ivan Anderson, Kevin Cowin of North Davis and Preston Kirk of George K. Baum & Company. North Davis County Sewer District is requesting financial assistance in the amount of \$20,000,000 for the construction of various wastewater treatment facility improvements that are necessary to keep pace with the growth of member entities and will insure continued compliance with UPDES permit limitations and biosolids permit requirements. Staff recommended that the Water Quality Board authorize a \$20,000,000 loan to North Davis County Sewer District with a repayment term of 20 years at 0% interest and a hardship grant assessment of 2.74% that

conforms to the amortization schedule included in the packet and with the special conditions listed on page 2.14 in the Board packet.

**Motion: Mr. Child moved that the Board approve staff the recommendation, with the special conditions noted by staff. The motion was seconded by Mr. Sims and was unanimously approved by the Board.**

**Moroni City (ACTION ITEM)** – Mr. Beavers introduced Scott Rogers from Aqua Engineering, Tim Jones with Jones & DeMille Engineering and Rick Frederickson, George Dyches, of Moroni City and Dave Bailey of Moroni Feed. Moroni City is requesting financial assistance in the amount of \$2,803,000 for the design and construction of a treatment facility upgrade capable of meeting its UPDES discharge limits and for the replacement, repair and minor expansion of its wastewater collection system. Moroni City is also requesting a Hardship Grant allowance for design in the amount of \$144,000. Ms. Nielson asked for further explanation regarding the deposits being made by Moroni Feed to Moroni City and if the letter of credit is irrevocable protecting the city. Mr. Williams explained his understanding of the agreement that letter of credit goes on Moroni Feeds books and is payable to the City and the pledge of the property is only for the duration of the loan.

**Motion: Mr. Child moved that the Board approve the staff recommendation, with the special conditions noted by staff. The motion was seconded by Mayor Thompson and was unanimously approved by the Board. Mr. Olsen abstained from voting because he work for and is a member on the Board of Moroni Feed.**

**Twin Creeks Special Service District loan approval (ACTION ITEM)** – Mr. Hanson introduced Paul Wilson, District Manager and Phil Wright who represents Wasatch County Health Department. Twin Creeks Special Service District is requesting funding assistance in the amount of \$463,000 for the construction of a sewer line from the Country Estates Mobile Home Park to an existing trunk sewer. This project will alleviate the existing failed on-site wastewater disposal system at the mobile home park as well as serve additional homes in the District. Staff recommends that the Board authorize a \$45,000 hardship grant and a \$418,000, 0% interest, 20-year loan to Twin Creeks Special Service District for construction. Staff also recommended that funding this project be provided only after this initial hearing due to the critical public health concerns that exist. Mr. Adams pointed out this a commercial property and questioned why the owner isn't participating in the expense of these improvements. Mr. Ostler explained this project would meet the needs of the community and future planning growth. The existing users of the sewer, including the mobil home park would pay on impact fee commensurate with their expected use. Dr. Kochenour has a problem with the Board paying the entire cost of this project at 0% interest. Mayor Thompson, pointed out that some mobile homes aren't able to be moved and asked if there is a general plan for the county and if it anticipates growth in that area now? Does the zoning reflect this use? Is this a project that you are extending a line out 800 feet for a small number of users that will cause growth along the sewer line creating a lot of traffic? How close is the mobile home park to an existing community? Mayor Thompson is concerned that this may go against the notion of quality growth. Mr. Adams stated he doesn't feel good about supporting the project, but realizes that something has to be done. Mr. Wilson explained the owner is a single mother that inherited the trailer park from her family. Mr. Thompson, asked if they had explored the option of relocating the mobile homes. He knows there is federal money available to help move mobile homes. Mr. Wilson stated there is no other area zoned for mobile homes. Mr. Williams stated that it appears there is more work that needs to be done before the Board can act on this project. One suggestion is to refer this back to staff to review all options

**Motion: Mr. Olsen moved that we defer acting on this project and refer it back to staff for further review and perhaps return back to the Board again. The motion was seconded by Mr. Echols and was unanimously approved by the Board.**

Chairman Williams asked to be excused from the meeting asking Mr. Child, Vice Chairman to Chair the remainder of the meeting.

### **OTHER BOARD ISSUES AND STAFF REPORTS:**

**2002 Operator Certification Program Annual Report:** Mr. Lonn Rasmussen asked the Board to refer to the written report, rather than take more time. Mr. Ostler explained in response to the legislature passing a law requiring certified operators, the Board adopted rules for certification. This was accomplished by forming an operator certification committee to administer this program. Mr. Rasmussen chairs this committee, and they have done an excellent job.

**Discussion of the TMDL Process and Board delegation of authority to the Executive Secretary to initiate rulemaking to adopt TMDLs:** Mr. Nelson explained that the State of Idaho had received a ruling from their Supreme Court which invalidated their approved TMDLs because they had not been taken through the formal rulemaking process. He said that Utah could have a similar problem and recommended that we initiate a formal process for adopting TMDL's. This would require a formal rulemaking public notice and adoption of the TMDLs by reference as allowed in statute. After explaining the process Mr. Nelson proposed that the Board delegate authority to Don Ostler (Executive Secretary) to take the TMDL plans through the formal public notice process, including archivist notification, prior to bringing them to the Board for final adoption.

**Motion: Mr. Adams moved to authorize the Executive Secretary to initiate rulemaking and public notice to the archivist before presenting the proposed TMDL to the Board for adoption. The motion was seconded by Ms. Wechsler and was unanimously approved by the Board.**

**Washington Post article:** Mr. Ostler discussed with the Board an article recently published in the Tribune quoted from an article in the Washington Post which presented a negative statement about the enforcement actions taken by the State of Utah. After discussing the discrepancies, it was agreed by the Board that staff should write a rebuttal letter to the Washington Post, pointing out the discrepancies in the article.

### **NEXT MEETING**

The next Water Quality Board meeting will be held on August 15, 2003 at the Cannon Health Building at 9:30 am in Room 125.

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K. C. Shaw, Chairman